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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,111	09/12/2003	Leif Stefan Kirschenbaum	IBM1P040/SJ09-2003-0032US	9096
50548	7590	03/25/2005	EXAMINER	
ZILKA-KOTAB, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			NGUYEN, CHAU N	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,111

Applicant(s)

KIRSCHENBAUM, LEIF STEFAN

Examiner

Chau N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27-32, 24, 35 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda (6,020,559).

Maeda discloses an electrical cable (Figures 1-3) comprising a flexible sheath having first and second ends, multiple conductors embedded in the sheath, for each conductor, first and second electrical contacts in communication with the conductor, and for each conductor, a third electrical contact in communication with the conductor (col. 3, lines 11-13, lines 29-34, lines 43-45, and lines 51-56), wherein the first and second electrical contacts are positioned on opposite sides of the sheath, wherein the first and second electrical contacts are positioned towards the first end of the sheath but do not extend beyond the first end of the sheath, wherein the third electrical contact is positioned towards the second end of the sheath (re claim 27). Maeda also discloses the third contact being coupled to a component (col. 3, line 13) (re claim 37).

Maeda also discloses the first and second electrical contacts being portions of the conductors exposed through the sheath (re claim 28), the first and second contacts being positioned directly opposite each other relative to the sheath (re claim 29), the first and second contacts being substantially coplanar with an outer surface of the sheath (re claim 30), the first

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and second contacts for each conductor being aligned along a common plane (re claim 31). Re claims 32, 34 and 35, the recitation of an element being "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda.

Claim 33 additionally recites the first and second contacts being offset from each other.

Maeda discloses the first and second contacts being disposed on opposite sides of the sheath (col. 3, lines 44-45) but does not specifically disclose the first and second contacts being offset from each other. However, it would have been obvious that depending on the specific use of the resulting cable, one skilled in the art would modify the first and second contacts of Maeda to be offset from each other since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Re claim 36, it would have been obvious to one skilled in the art to use (first and second) connection elements of quick type connectors to contact the exposed conductor portions of Maeda respectively to provide an electrical connection between the cable and the quick type connector since quick type connectors are known for being used to make electrical connection with flat cable.

Response to Arguments

5. Applicant's arguments with respect to claim 33 have been considered but are moot in view of the new ground(s) of rejection except for the following.

Applicant argues that Maeda fails to show multiple contacts on the same conductor, the contacts positioned towards the same end, yet positioned on opposite sides of the sheath. Applicant also argues that nowhere does Maeda disclose or suggest positioning of the contacts on opposite sides of the cable. These arguments are not found persuasive. As clearly pointed out in the previous Office Action and in this instant Office Action, Maeda teaches that access hole 50 to the exposed conductor portion can be provided in the bottom of film 46 as well (or the other side of the cable, col. 3, lines 43-45). Accordingly, each conductor of Maeda is provided with first and second contacts which are positioned on opposite sides of the sheath. Maeda also discloses the contacts 54 are positioned towards the same end and not extended beyond the first end of the sheath (Figures 1-3).

Summary

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Chau N Nguyen". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Chau N Nguyen
Primary Examiner
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